

**CALENDAR ITEM**

**C11**

A 1

10/16/15

S 1

PRC 4178.1  
S. Kreutzburg

**TERMINATION OF A RECREATIONAL PIER LEASE AND  
ISSUANCE OF A GENERAL LEASE – RECREATIONAL USE**

**LESSEE:**

Diosdado P. Banatao and Maria C. Banatao, Trustees, or Their Successors in Trust, under the Banatao Living Trust, Dated July 21, 1999.

**APPLICANT:**

Tahoe, LLC, a South Dakota limited liability company.

**AREA, LAND TYPE, AND LOCATION:**

Sovereign land located in Lake Tahoe, adjacent to 6790 and 6810 West Lake Boulevard, near Tahoma, Placer County.

**AUTHORIZED USE:**

Continued use and maintenance of an existing pier, boat lift, and four mooring buoys.

**LEASE TERM:**

10 years, beginning October 16, 2015.

**CONSIDERATION:**

\$1,915 per year, with an annual Consumer Price Index adjustment.

**SPECIFIC LEASE PROVISIONS:**

Insurance:

Liability insurance in an amount no less than \$1,000,000 per occurrence.

Other:

1. If Lessee does not have valid Tahoe Regional Planning Agency (TRPA) buoy permits, Lessee is required to obtain such authorization for the mooring buoys within two years after the adoption of a Final Environmental Impact Statement (FEIS) for the Lake Tahoe Shorezone Ordinance Amendments and approval of

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the amended ordinances. If Lessee is unable to obtain such authorization within the time limit, they must remove the buoys.

2. Lessee expressly acknowledges and agrees that issuance of a lease does not substitute for, or provide preference in, obtaining authorizations from the TRPA or any other regulatory agency for the improvements authorized by the Commission.

**OTHER PERTINENT INFORMATION:**

1. The Applicant owns the two upland parcels adjoining the lease premises.
2. On February 9, 2006, the Commission authorized a 10-year Recreational Pier Lease to Diosdado P. Banatao and Maria C. Banatao, Trustees or their Successors in Trust, under the Banatao Living Trust Dated July 21, 1999. The Lease will expire on October 28, 2015.
3. On January 3, 2013, ownership of the upland parcels transferred to Tahoe, LLC, a South Dakota limited liability company. The Applicant is now applying for a General Lease – Recreational Use. Lessee has requested termination of the existing lease.
4. Staff recommends that the Commission accept compensation in the amount of \$5,704 for the unauthorized occupation of state lands, for the period beginning January 3, 2013, when the applicant took ownership, through October 15, 2015.
5. Termination of the lease is not a project as defined by the California Environmental Quality Act (CEQA) because it is an administrative action that will not result in direct or indirect physical changes in the environment.

Authority: Public Resources Code section 21065 and California Code of Regulations, Title 14, section 15378 subdivision (b)(5).

6. The staff recommends that the Commission find that issuance of the lease is exempt from the requirements of the California Environmental Quality Act (CEQA) as a categorically exempt project. The project is exempt under Class 1, Existing Facilities; California Code of Regulations, Title 2, section 2905, subdivision (a)(2).

Authority: Public Resources Code section 21084 and California Code of Regulations, Title 14, section 15300 and California Code of Regulations, Title 2, section 2905.

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7. This activity involves lands identified as possessing significant environmental values pursuant to Public Resources Code section 6370 et seq., but such activity will not affect those significant lands. Based upon the staff's consultation with the persons nominating such lands and through the CEQA review process, it is the staff's opinion that the project, as proposed, is consistent with its use classification.

**EXHIBITS:**

- A. Land Description
- B. Site and Location Map

**RECOMMENDED ACTION:**

It is recommended that the Commission:

**CEQA FINDING:**

Find that issuance of the lease is exempt from the requirements of CEQA pursuant to California Code of Regulations, Title 14, section 15061 as a categorically exempt project, Class 1, Existing Facilities; California Code of Regulations, Title 2, section 2905, subdivision (a)(2).

**SIGNIFICANT LANDS INVENTORY FINDING:**

Find that this activity is consistent with the use classification designated by the Commission for the land pursuant to Public Resources Code section 6370 et seq.

**AUTHORIZATION:**

1. Authorize termination, effective October 15, 2015, of Lease No. PRC 4178.9, a Recreational Pier Lease, issued to Diosdado P. Banatao and Maria C. Banatao, Trustees, or Their Successors in Trust, under the Banatao Living Trust, Dated July 21, 1999.
2. Authorize acceptance of compensation in the amount of \$5,704 for the unauthorized occupation of state lands, for the period of January 3, 2013 through October 15, 2015.
3. Authorize issuance of a General Lease – Recreational Use to Tahoe, LLC, a South Dakota limited liability company, beginning October 16, 2015, for a term of 10 years, for the continued use and maintenance of an existing pier, boat lift, and four mooring buoys, as described in Exhibit A and shown on Exhibit B (for reference purposes only), attached and by this reference made a part hereof; annual rent in the amount of \$1,915, with an annual Consumer

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Price Index adjustment; and liability insurance in an amount no less than \$1,000,000 per occurrence.

## **EXHIBIT A**

**PRC 4178.1**

### **LAND DESCRIPTION**

Five (5) parcels of submerged land situate in the bed of Lake Tahoe, lying adjacent to Lot 4 fractional Section 7, Township 14 North, Range 17 East, MDM., as shown on Official Government Township Plat approved July 29, 1880, County of Placer, State of California, and more particularly described as follows:

#### **PARCEL 1 – PIER**

All those lands underlying an existing pier, two (2) sets of steps and one (1) boatlift lying adjacent to Parcel One and Parcel Two described in Exhibit A of that Quitclaim Deed recorded January 3, 2013 in Document Number 2013-0000435 in Official Records of said County.

TOGETHER WITH any applicable impact area(s).

EXCEPTING THEREFROM any portion(s) lying landward of elevation 6223 feet LTD on the shoreline of said Lake Tahoe.

#### **PARCELS 2, 3, 4 & 5 – BUOYS (4)**

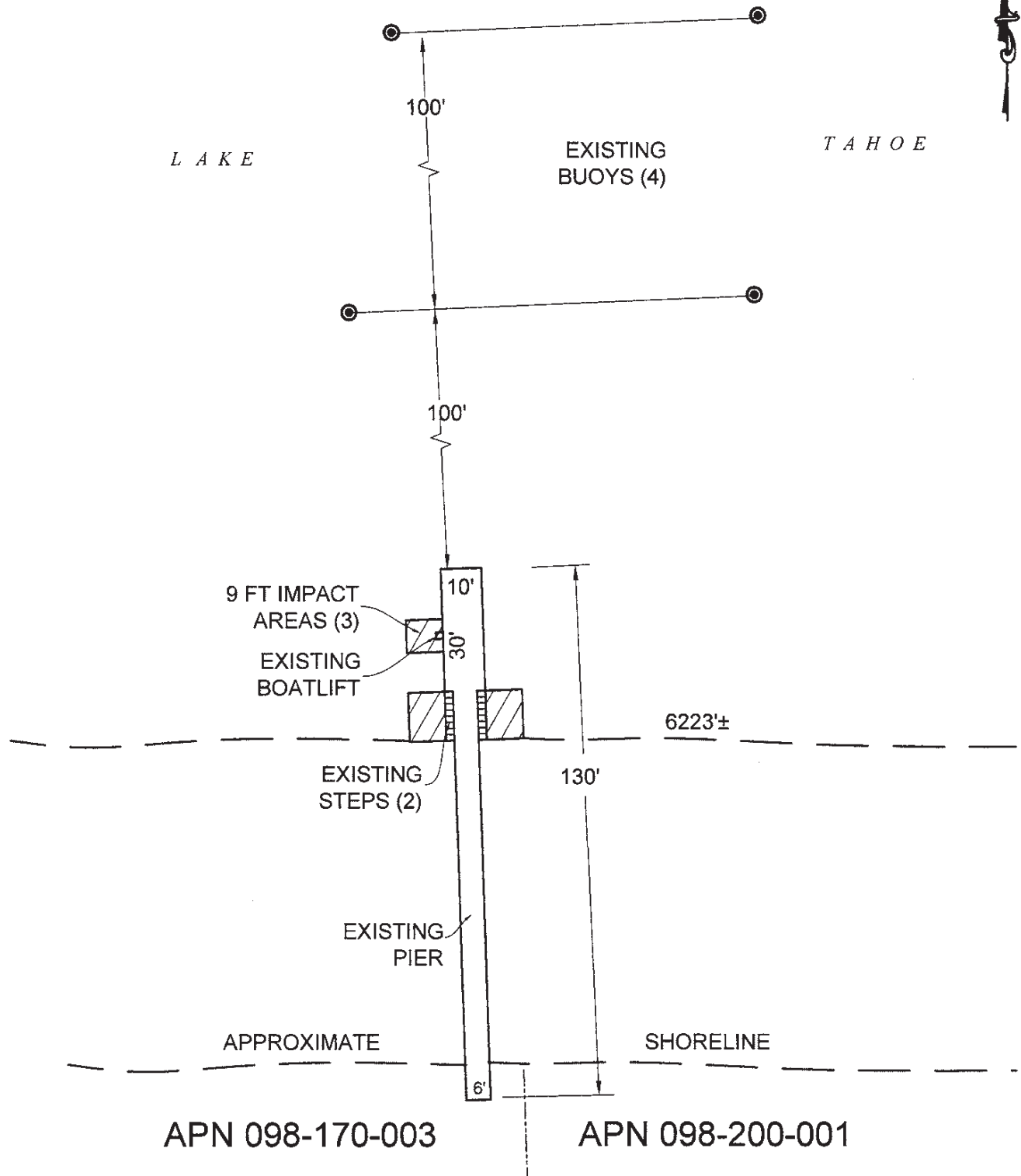
Four (4) circular parcels of land, being 50 feet in diameter, underlying four (4) existing buoys lying adjacent to Parcel One and Parcel Two as described in said Grant Deed.

Accompanying plat is hereby made part of this description.

### **END OF DESCRIPTION**

Prepared June 26, 2015 by the California State Lands Commission Boundary Unit.





## EXHIBIT A

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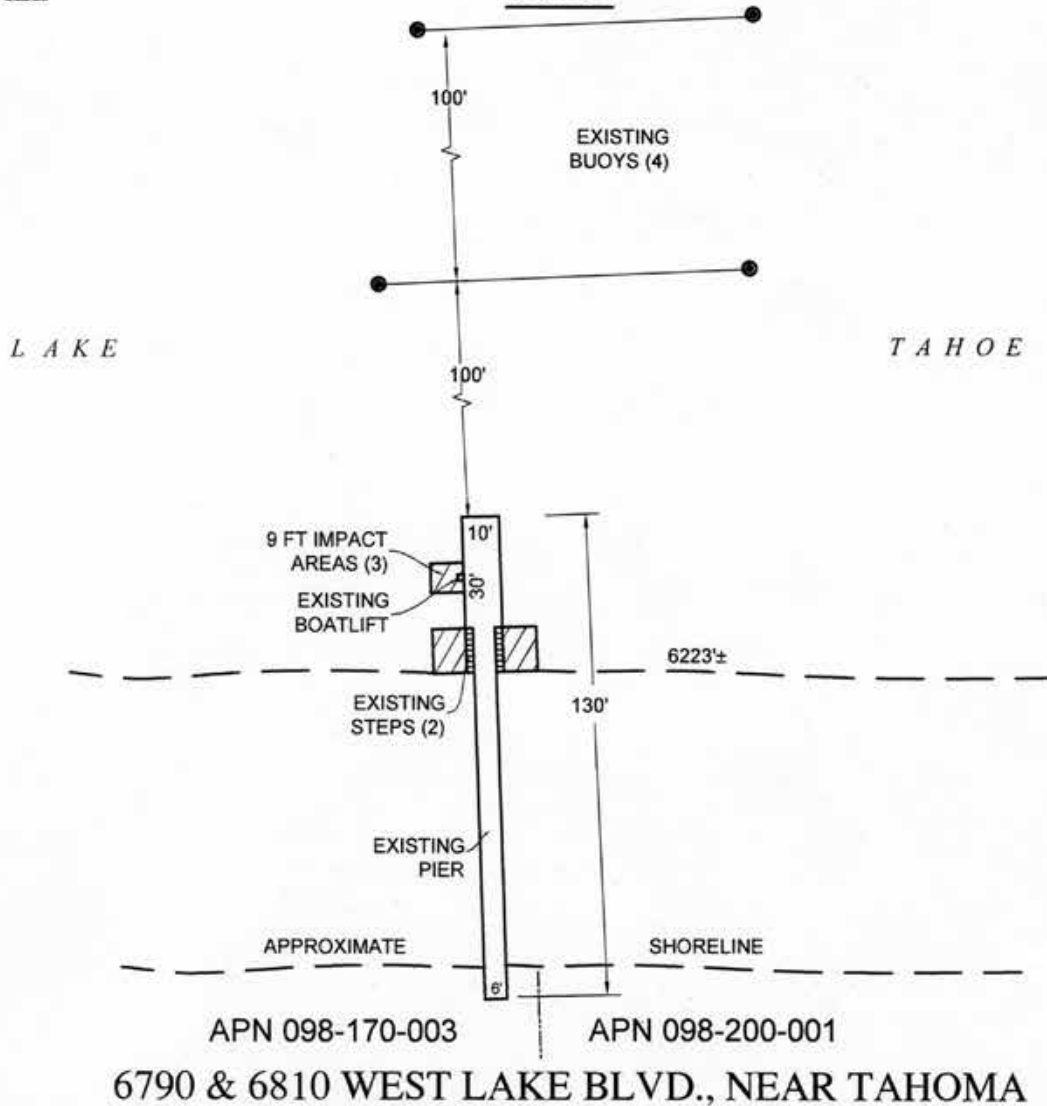
LAND DESCRIPTION PLAT  
PRC 4178.1, TAHOE, LLC  
PLACER COUNTY

CALIFORNIA STATE  
LANDS COMMISSION



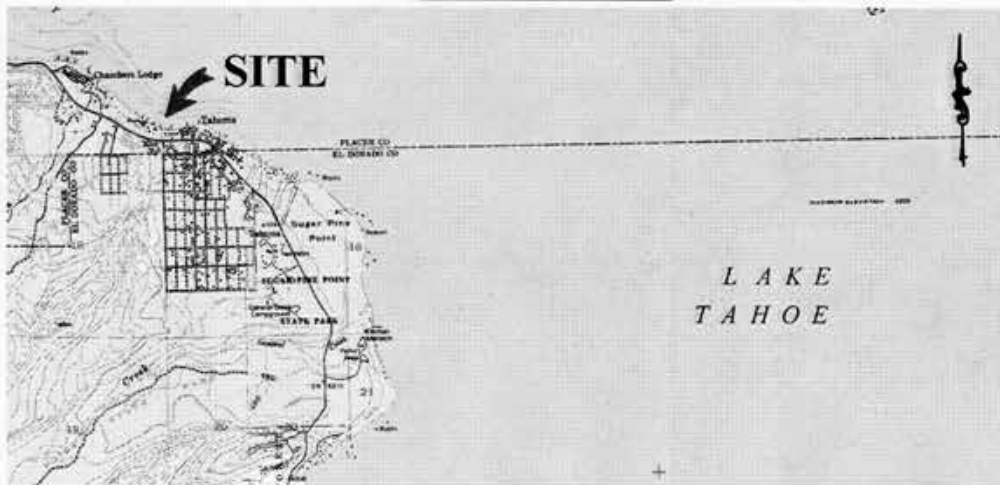
NO SCALE

## SITE



NO SCALE

## LOCATION



MAP SOURCE: USGS QUAD

This Exhibit is solely for purposes of generally defining the lease premises, is based on unverified information provided by the Lessee or other parties and is not intended to be, nor shall it be construed as, a waiver or limitation of any State interest in the subject or any other property.

## **Exhibit B**

PRC 4178.1  
TAHOE, LLC  
APN 098-170-003 &  
APN 098-200-001  
GENERAL LEASE -  
RECREATIONAL USE  
PLACER COUNTY



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